

**BOARD OF ENVIRONMENTAL PROTECTION
Meeting Minutes**

September 18, 2008

A meeting of the Board of Environmental Protection was held on Thursday, September 18, 2008 at the Holiday Inn / Ground Round, Augusta, Maine. Ernest W. Hilton, Chair, called the meeting to order at 09:00 a.m. with the following individuals present:

Board: Richard Gould, M. Wing Goodale, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler. Board member Matt Scott arrived at approximately 1:00 p.m. Board member P. Andrews Nixon departed at 3:00 p.m.

Absent: Elizabeth Ehrenfeld, Don Guimond, Sue Lessard

<u>Staff:</u>	Bureau of Air Quality	Ron Severance
	Bureau of Land and Water Quality	Becky Maddox
	Bureau of Land and Water Quality	James Cassida
	Bureau of Land and Water Quality	Susan Davies
	Bureau of Land and Water Quality	Andrew Fisk
	Bureau of Land and Water Quality	Art McGlaughlin
	Dept. of Inland Fisheries and Wildlife	Lindsay Tudor

Others: Deb Garrett, Deputy Commissioner
Jan McClintock, Assistant Attorney General
Cindy Bertocci, BEP Executive Analyst
Terry Hanson, Administrative Assistant

(Meeting adjourned at approximately 4:00 p.m.)

I. DEPARTMENTAL

A. COMMISSIONER'S COMMENTS: Deputy Commissioner Deb Garrett reported the following on behalf of Commissioner Littell:

U.S. Congressional subcommittee on Water in the Environment: Commissioner Littell was asked to testify before a subcommittee of the House Committee on Transportation and Infrastructure concerning emerging contaminants. The Commissioner's testimony focused on Maine's experience with emerging contaminants, noting that even limited data suggests a reason for concern regarding the presence of some chemical substances in the waste streams, our waters and our ecosystems. Commissioner Littell described the product stewardship initiative being implemented in Maine whereby there is a mail-in collection system for unused products. Maine anticipates the recovery of some 3,000 lbs of pharmaceuticals through the initiative.

Juniper Ridge Landfill (a.k.a. Old Town Landfill): The Department received an application for a minor amendment to Casella's license seeking approval to dispose of front end by-pass waste. As stipulated in the operating services agreement, only by-pass waste processed from out of state construction demolition debris intended for the Red Shield facility could be disposed of at Juniper Ridge Landfill. Last year the Legislature established a definition for Maine generated waste which allows any out-of-state waste that has been processed in Maine to be disposed of in a Maine landfill as Maine waste. Therefore, the current license for this facility does not conform with either state law or the operating services agreement. This application may come before the Board.

Board member Ernest Hilton asked about possible requests for Board jurisdiction.

Deputy Commissioner Garrett explained that it was not known, but noted that given the past public interest in this project a request for Board oversight was possible.

Milo: The Department responded to a fire in Milo at a facility where there was concern about six fuel tanks and asbestos exposure. The Department was able to aid with a brownfield assessment.

Salmon Lake: The Department's use restriction for Salmon Lake associated with the milfoil extraction project has been extended 30 days to allow for an additional scheduled dive.

Children in the Outdoor: The Deputy Commissioner provided the brochure and registration form to Board members related to the Governor's "Take It Outside" initiative. This conference, scheduled for October 2, will include demonstrations and lectures aimed at activities and opportunities for children to get active.

- B. COMMENTS FROM THE BEP CHAIR: NONE**
- C. EXECUTIVE ANALYST COMMENTS: NONE**
- D. BOARD CALENDAR: Reviewed**
- E. DEPARTMENTAL ORDERS/ APPLICATIONS ACCEPTED FOR PROCESSING: No comments.**
- F. EXECUTIVE SESSION: None**

II CONSENT AGENDA ITEMS

1. BEP MINUTES July 17, 2008 (approval)
Board voted (6-0-0-4) on a motion to approve consent agenda item 1 as presented:
Board members M. Wing Goodale, Richard Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Don Guimond, Sue Lessard, Matt Scott were absent.
2. BEP MINUTES August 7, 2008 (approval)
Board voted (5-0-1-4) on a motion to approve consent agenda item 2 as presented.
Board members M. Wing Goodale, Richard Gould, Ernest Hilton, Lissa Widoff and Nancy Ziegler voted to support the motion. Board member P. Andrews Nixon abstained. Board members Elizabeth Ehrenfeld, Don Guimond, Sue Lessard, Matt Scott were absent.
3. BEP MINUTES August 21, 2008 (approval)
Board voted (6-0-0-4) on a motion to approve consent agenda item 3 as presented.
Board members M. Wing Goodale, Richard Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Don Guimond, Sue Lessard, Matt Scott were absent.
4. VERSO ANDROSCOGGIN, LLC, Jay – Administrative Consent Agreement (BLWQ – Water)
5. ATLANTIC CONSTRUCTION SERVICES, INC., Auburn – Administrative Consent Agreement (BRWM)
6. DRAGON PRODUCTS COMPANY, LLC, Thomaston – Administrative Consent Agreement (BAQ)
Board voted (6-0-0-4) on a motion to approve consent agenda items 4, 5, and 6 as presented:
Board members M. Wing Goodale, Richard Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Ziegler voted to support the motion. Board members Elizabeth Ehrenfeld, Don Guimond, Sue Lessard, Matt Scott were absent.
Board member Ziegler asked for periodic updates on the implementation of actions agreed to in the Verso and Dragon consent agreements.

III. Regular Agenda

1. CAROLYN AHLSTRAND / APPLICATION FOR NATURAL RESOURCES PROTECTION ACT PERMIT FOR PIER, RAMP AND FLOAT SYSTEM - DENIAL #L-24116-4P-A-N //
(appeal by C. Ahlstrand)

Staff: James Cassida and Becky Maddox, Bureau of Land and Water Quality

The Board voted (6-0-0-4) on a motion to deny the appeal submitted by Carolyn Ahlstrand concerning DEP denial of her application for a Natural Resources Protection Act permit [Department Order L-24116-4P-A-N] to construct a residential pier with seasonal ramp and float in Maple Juice Cove, Cushing. The motion also approved the draft proposed Board Order as modified by the Department's errata sheet (Board Order Pages 4 and 5). The Board voted pursuant to 38 M.R.S. Section 341-D(4), Section 344 and 06-096 CMR Chapter 2, Section 24(B).

Board members M. Wing Goodale, Richard Gould, Ernest Hilton, P. Andrews Nixon, Lissa Widoff and Nancy Zielger voted to support the motion. Board members Elizabeth Ehrenfeld, Don Guimond, Sue Lessard, and Matt Scott were absent.

Board Reconvened at 1:00 pm to Conduct a Public Hearing In The Matter Of:

2008 Proposed Water Quality Reclassification for Certain Maine Waters

Staff: Susan Davies and Andrew Fisk, Bureau of Land and Water Quality